MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The amendment was put to the vote of the House and carried.

The Clause as amended was added to the Bill.

Clause 29.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that in Clause 29 (1), for the figures '27' the figures '28' be substituted.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The amendment was put to the vote of the House and carried.

The Clause as amended was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The amendments being over, I move that the Bill as amended be passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The question that the Bill as amended be passed was put to the vote of the House and carried.

THE HACKNEY CARRIAGE REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next Bill is "A Bill to amend the Hackney Carriage Regulation VI of 1089." I have no amendments to move in regard to this Bill. I therefore move that the Bill as settled by the Council be passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The question that the Hackney Carriage Regulation Amendment Bill as settled by the Council be passed was then put to the vote of the House and carried.

THE IRRIGATION REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to this Bill also I have no amendments to make and I move that the Bill as settled by the Council be passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The question that the Irrigation Regulation Amendment Bill as settled by the Council be passed was then put to the vote of the House and carried.

THE ABKARI REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Abkari Regulation Amendment Bill and beg to move that the Bill as revised by the Select Committee be taken up for consideration.

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MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

The motion was carried.

Clause 3.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): Sir, I beg to move the following amendment:

Substitute the following for the amendments proposed in the Bill as revised by the Select Committee: Add the words 'or coca' after the word 'ganja' in Section 10.

My amendment relates to the amendment of the Select Committee. By the amendment proposed by the Select Committee the cultivation of ganja, bhang and coca are to be absolutely prohibited. This may be seen from the amendment to Section 10. It is stated:

"In Section 10 of the said Regulation (a) The words '*no ganja plant shall be cultivated*' shall be omitted and the section so amended shall be numbered as sub-section (1) of Section 10, and the following shall be added as sub-section (2), namely, '*the cultivation of ganja and coca plants is absolutely prohibited.*'

My objection is in relation to part (2) given under the amendment to Section 10.

By the Select Committee's amendment the cultivation of the ganja and coca plants is absolutely prohibited so that even if the Government want to cultivate ganja or coca they are prohibited from doing so because there is no provision at all to that effect in the Bill. It seems to me that such a prohibition is more than what is called for in the interests of the public. According to the present Section 10 of the Regulation no ganja plant shall be cultivated except under a license and under such conditions as may be fixed by the Government. That is the present Section. It seems to me that is quite sufficient; but if the Government think that no cultivation of the ganja or coca plant is necessary they need not give license at all. There is no use of absolutely prohibiting the cultivation of ganja or the coca plant. I hear that the ganja as well as the coca plant will grow in some parts of Travancore, that in Arayinkavoo and other places the coca plant is growing wild and that the Excise department are removing them whenever those plants come within the reach of their eyes. That may be done. But that shows that these plants will grow in Travancore. So long as the use of the products of the ganja and coca plants is allowed in Travancore I see no reason why their cultivation should be absolutely prohibited. If the use of these drugs is also prohibited it would be right to prohibit the cultivation of these plants. But so long as the use of the drugs is allowed the cultivation should also be allowed under proper control, that is under a license and under conditions imposed by the Government. Now even if the Government want to grow them for some experiment through the agency of the Agricultural department they are prohibited from doing so because the cultivation is absolutely prohibited. So all the purposes aimed at by the amendment can be met by the amendment I propose. The other amendments are not necessary. The only amendment proposed by me is to add the word coca and the effect of that will be that the cultivation of the ganja or the

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[Mr. G. Raman Menon.]

coca plant will be allowed only on special licenses and on conditions fixed by Government. That will be a very simple way of accomplishing the object in view. The mover of the amending Bill explained that the main object of the Bill was to bring the cultivation of coca also under proper control, so that we may move along with the rest of the world in this matter. That will be very well accomplished by the amendment proposed by me to the effect that the cultivation of coca plant may be allowed under special license and conditions fixed by Government. It has been urged that by the rules passed by Government the cultivation of ganja is already prohibited. It may be so, But that rule was not passed with the knowledge of this House and this is an occasion on which we can reconsider that rule. It seems to me therefore that so long as the use of ganja and coca is allowed in the State the cultivation should also be allowed if it can be accomplished under proper control. Otherwise we will be only encouraging foreigners to cultivate these plants and we will have to get down these drugs from outside. For these reasons I request that my amendment may be accepted.

MR. G. NARAYANA PILLAI (*Tiruvalla*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to oppose the amendment. The purpot of Mr. Raman Menon's amendment is that Government should be given power to permit the cultivation of ganja and coca. He does not object to the principle that the cultivation of these two plants should be prohibited generally. But he asks Government to take some powers to permit the cultivation of these. It does look strange that Mr. Raman Menon speaking from the non-official benches should ask Government to take some powers while the Government themselves do not want the power and are against the exercise of any such power. With regard to the attitude of Government in this matter, I may point out that they have strictly prohibited for the last 27 years the cultivation of ganja and for the last 5 years the cultivation of coca. This has been effected by means of rules which the Government have been authorised to make. All that is sought to be done by this Bill is to transfer that prohibition from the rules to the Regulations. I explained when I introduced the Bill the particular reason for thus transferring it into the Regulation as due to certain international obligations.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Under the amended Regulation is not the growing of coca plant for carrying out any experiments in a school or in the Museum absolutely prohibited?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. And that cannot be helped, because if you allow it somewhere it will be impossible adequately to check the growth of the traffic in the drug.

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MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : Sir, I am not convinced by the arguments brought forward by Mr. Paramesvaran Pillai. He himself acknowledged that our obligation is only to carry out the international pact. The international pact does not prohibit the cultivation of these plants for medical purposes as ganja and coca are used for those purposes. As I explained before if we prohibit altogether the cultivation of these plants the effect will be merely to encourage imports from outside. Well if it is found by Government that the cultivation of these plants cannot be done under proper control they need not grant license at all. There is no use of changing the law. Till the time that they find it possible to issue licenses for cultivating it or to do it by themselves the rules may be left as they are. They need not be transferred into the Regulation. The rules can be revoked by Government at any time but a Regulation is not like that. So the Regulation may be left in tact merely adding the word 'coca' also. For the time being the rules may be left as they are. So I press the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have nothing to add except to say that the Hague authorities are likely to attach more importance to the prohibition being embodied in the main law rather than in the rules. As regards the attitude of Government themselves I have already explained that they have strictly prohibited the cultivation.

The amendment was put to vote and declared lost.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : I demand a poll.

A poll was taken with the following result.

AYES—8.

1. Mr. K. I. Joseph	5. Mr. G. Raman Menon
2. ,, N. K. Krishna Pillai	6. ,, R. Raman Pillai
3. ,, G. Narayana Pillai	7. ,, K. K. Thomas
4 ,, P. K. Narayana Pillai	8. ,, C. N. Tuppan Namputiri

NOES—22

1. Mr. R. Dhanukoti Pillai	13. Mrs. M. Poonen Lukose
2. ,, P. Gomatinayagom Pillai	14. Mr. K. N. Ramasubba Aiyar
3. ,, P. N. Krishna Pillai	15. ,, T. P. Ramasubba Aiyar
4. Dr. N. Kunjan Pillai	16. Rao Bahadur Mr. K.V. Ranga-swami Aiyangar
5. Mr. L. A. Lampard	
6. ,, X. G. Lopez	17. Mr. S. C. H. Robinson
7. ,, T. K. Madhavan Nayar	18. ,, V. Subba Aiyar
8. ,, K. C. Mammen Mappillai	19. ,, S. Subrahmanya Karayalar
9. ,, R. Padmanabhan	
10. ,, Kayalam Paramesvaran Pillai	20. ,, M. Subrahmanya Pillai
	21. ,, C. P. Tarakan
11. ,, S. Paramesvara Aiyar	22. ,, A. Vipan
12. ,, W. H. Pitt	

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NEUTRALS—11.

1. Mr. Paul Daniel	7. Mr. M. N. Pillai
2. „ C. P. Kochukunju Pillai	8. „ S. Piraviperumal Pillai
3. „ C. V. Kunjuraman	9. „ K. Sivarama Panikkar
4. „ T. Kumara Pillai	10. „ M. Sivatanu Pillai
5. „ K. Madhavan Pillai	11. „ Kallur Narayana Pillai
6. „ K. P. Nilakanta Pillai	

The amendment was lost.

Clauses 1 to 6.

PRESIDENT: The question is that Clauses 1 to 6, do form part of the Bill.

The question was put and carried.

The Clauses were added to the Bill.

Clause 7.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following amendment:

Add at the end of sub-section (2) of Section 67 the following: "and in like manner to cancel such prohibition."

The Clause as amended will run as follows:

"(2) It shall be lawful for Our Government at any time by Notification in Our Government Gazette to prohibit the import, export, transport, manufacture, possession, sale or supply (whether for medical purposes or otherwise) of any liquor or intoxicating drug otherwise than in accordance with such rules and conditions (if any) as may be prescribed by Our Government in that behalf and in like manner to cancel such prohibition."

It may sometimes be necessary to prohibit the import, transport, export, manufacture or possession of any liquor or intoxicating drugs. The necessity for such prohibition may come to an end. Then, the Government should be empowered to cancel such a prohibition. This amendment is necessary because under sub-section (2), Government take power to prohibit import, export etc., of liquor or intoxicating drug even when it is for medicinal purposes. So long as the Government take power to prohibit such things they should have also power to cancel the prohibition whenever such prohibition is found to be unnecessary. I hope the Government will not object to have such additional powers.

MR. M. N. PILLAI (*Trivandrum*): I second the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Although this amendment is not quite necessary in view of the provision of the General Clauses Regulation, I may satisfy my friend Mr. Raman Menon by accepting the amendment.

PRESIDENT: I take it that the House accepts the amendment.

The amendment was accepted.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I beg to move the following amendment to sub-clause (d),

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"Delete the words 'person or' occurring after 'specified' in line 4 of sub-section (3)".

Sub-section (3) runs as follows:

"It shall be lawful for Our Government at any time by Notification in Our Government Gazette to exempt, subject to such conditions (if any) as Our Government may impose, any specified article or class of articles or any specified person or class of persons from the operation of all or any of the provisions of this Regulation or of the rules made or prohibitions notified thereunder and in like manner to cancel such exemption."

The purpose of this amendment is to prevent Government or their Officials from showing special favour to individuals. I explained when I spoke about the principle of this Bill that the freedom to import, to export or sell intoxicating drugs or liquor for medicinal purposes should not be unduly interfered with. Of course there should be proper control even in such cases and that is provided for even if the amendment proposed by me is accepted. Now, Government take powers to exempt any specified articles or class of articles or any specified person or class of persons. I only object to "specified person". That need not be included. Any specified articles or class of articles may be exempted. If any specified person is exempted that will be a way of showing a favour to a particular individual. That is not necessary. Even now, in the working of the Abkari Regulation and Rules, certain medical practitioners are put to difficulties, while others are not. A friend of mine at Kayankulam who is a Homeopathic Medical Practitioner wanted to get down some rectified spirits for preparing some of the Homeopathic dilutions. He was not allowed to do it. He was not given license. Probably, other practitioners may be allowed to do so. If all the medical practitioners are prohibited from doing it, I think that also is objectionable. They should be given freedom to get down these things under proper license or conditions which the Government may impose. I point out this instance to show that even now with limited power granted to the officers considerable difficulty is caused to the medical practitioners. Some individuals may be favoured, whereas others may not be favoured; so to preclude any such individual favouritism I suggest that those words (specified person or) may be omitted. There is no harm in the Government taking power under the rest of the clause. With these words I beg to move the amendment.

PRESIDENT: Your amendment has not been seconded.

The amendment fell through.

PRESIDENT: The next amendment also stands in the name of Mr. Raman Menon.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I beg to move the following amendment:

"Delete the words "case or" occurring after the word "each" in line 2 of sub-section (4)

Sub-section (4) runs as follows:—

"It shall also be lawful for Our Government to permit subject to such restrictions and conditions as Our Government may in each case or class of cases prescribe, the possession by medical practitioners of liquor, ganja, bhang and coca and the preparation by them of medicines containing the same for use in their practice."

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[Mr. G. Raman Menon.]

I consider that the sub-section as it stands now is open to the objection that it may be used for favouring particular persons. For example, one physician may be at a disadvantage by the Rules made by the Government if they are allowed to discriminate between particular individuals. I think it is unnecessary. The possession by Medical practitioners of liquor, ganja, bhang or coca may be regulated. But it should be the same for all individuals of the class. With these words I beg to move the amendment.

MR. M. N. PILLAI (*Trivandrum*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I oppose the amendment. It would be seen from sub-section (4) that is proposed to be inserted that the exemption is to apply to possession of certain drugs and the preparation of certain medicines by all medical practitioners generally. But with regard to restrictions which may have to be imposed they may have to vary with each person or class of persons. I will illustrate it by an example. For instance, a small quantity of liquor may be kept by all practitioners to prepare medicines, but if a person wants a large quantity for manufacture, say in a factory, more stringent restrictions may be necessary. It is only for that purpose that this clause is intended. The restriction will vary according to each case.

MR. M. N. PILLAI (*Trivandrum*); What is the concrete instance ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not speaking of any concrete instances. I am only saying that restrictions that may have to be imposed have necessarily to vary.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : I do not press the amendment.

PRESIDENT : I take it the House permits the amendment to be withdrawn.

The amendment was by leave withdrawn.

PRESIDENT : I take it that the clause 7 as amended by the Council is passed.

The motion was carried, and clause 7 as amended was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill as settled by the Council be taken up on a subsequent date and passed.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*) : I second it.

PRESIDENT : I take it that the House accepts the motion.

The motion was carried.

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